



Rep. David E. Miller

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1 AMENDMENT TO HOUSE BILL 801

2 AMENDMENT NO. _____. Amend House Bill 801 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Capital Investment Accountability Act.

6 Section 5. Purpose and application. The purpose of this Act
7 is to maximize the value of transportation investments in the
8 State of Illinois in order to optimize State and local economic
9 development and the quality of public life for Illinois
10 residents. This Act articulates the State's surface
11 transportation goals and establishes a standardized process
12 for reviewing, prioritizing, and selecting surface
13 transportation projects that best reflect those goals. Through
14 the process established by this Act, the State seeks to develop
15 a sustainable, integrated, multi-modal transportation system
16 that provides efficient and safe access to goods, services,

1 activities, and destinations to residents, visitors, and
2 businesses. Beginning with the 2010 State fiscal year, all
3 State-funded surface transportation capital projects are
4 subject to the review and prioritization process set forth in
5 this Act.

6 Section 10. Definitions. In this Act:

7 "Benefit/per-capita cost" means a determination of the
8 benefit of a project divided by the per-capita cost of the
9 project.

10 "Committee" means either a District Prioritization
11 Committee or the Statewide Prioritization Committee.

12 "Criteria" means measurable indicators of compliance with
13 the State transportation goals.

14 "Department" means the Department of Transportation.

15 "District" means the a district of the State established by
16 the Department for its administrative purposes and statutorily
17 authorized activities.

18 "Long-range transportation plan" means the long-range
19 transportation plan required to be developed by each MPO in
20 accordance with 23 U.S.C. 134, the long-range transportation
21 plan required to be developed by each MPO in accordance with 23
22 U.S.C. 135, and the long-range transportation plan required to
23 be developed in accordance with Section 5-301 of the Illinois
24 Highway Code.

25 "MPO jurisdiction" means the metropolitan planning area

1 boundaries of a MPO within the State, which are designated in
2 accordance with 23 U.S.C. 134.

3 "MPO" means a Metropolitan Planning Organization
4 designated under 23 U.S.C. 134 whose MPO jurisdiction is
5 partially or completely within the State.

6 "Per-capita cost" means a determination of the estimated
7 cost of the project divided by the population affected by the
8 project.

9 "Project" means any new or continuing surface
10 transportation capital project (including but not limited to
11 roadways, transit, rail, trails, walkways, bicycle, and
12 intermodal facilities) financed in whole or in part by State
13 funds.

14 "RPC" means a regional planning commission or joint
15 regional planning commission established in accordance with
16 Section 5-14001 or 5-14003 of the Counties Code.

17 "Secretary" means the Secretary of Transportation.

18 "State transportation goals" means the following goals and
19 objectives:

20 (1) Ensure efficient use of transportation resources
21 through mode shifts and demand management, and reduce
22 per-capita congestion delays and unreliability;

23 (2) Generate both local and statewide economic
24 development through investment in a transportation system
25 that recycles a majority of public and user investments
26 back into the local and state economies;

1 (3) Optimize accessibility by integrating land use and
2 transportation planning and investments; and

3 (4) Increase public safety, security, and health by
4 reducing per-capita crash rates and risk of assault,
5 particularly for the most vulnerable transportation users,
6 and by increasing use of physically active modes.

7 "Statewide projects" means traffic control improvements
8 procured by the Department on a statewide basis, weigh
9 stations, state park projects, contract maintenance performed
10 by non-state forces, emergency road and bridge repairs, and
11 federally authorized Equal Employment Opportunity training
12 programs and support services.

13 "STIP" means the transportation improvement program that
14 each state must develop pursuant to 23 U.S.C. 135.

15 "TIP" means the transportation improvement program that
16 each MPO must develop pursuant to 23 U.S.C. 134.

17 Section 15. Establishment of Statewide and District
18 Prioritization Committees.

19 (a) Within 30 days after the effective date of this Act,
20 the following committees must be established under the
21 direction of the Department:

22 (1) A Statewide Prioritization Committee, whose
23 membership consists of voting and non-voting members.

24 (A) The voting members are:

25 (i) The Secretary;

1 (ii) The chairperson of each MPO;

2 (iii) One representative of municipalities,
3 appointed by the municipalities on the District
4 Prioritization Committees and MPOs;

5 (iv) One representative of counties, appointed
6 by the counties on the District Prioritization
7 Committees and the MPOs; and

8 (v) One representative of townships, appointed
9 by the townships on the District Prioritization
10 Committees and the MPOs.

11 (B) The non-voting members are:

12 (i) The Director of Commerce and Economic
13 Opportunity, or his or her designee;

14 (ii) The Director of Natural Resources, or his
15 or her designee;

16 (iii) The Chief of the Illinois Environmental
17 Protection Agency Bureau of Air;

18 (iv) One representative of statewide business
19 interests, appointed by the Secretary; and

20 (v) One representative of metropolitan civic
21 interests, appointed by the Secretary.

22 (2) A District Prioritization Committee for each
23 District, but no District Prioritization Committee may be
24 established for a District included entirely within an MPO
25 jurisdiction. The membership of each District
26 Prioritization Committee is:

1 (A) One member appointed by the Secretary;

2 (B) One member appointed by each MPO whose MPO
3 jurisdiction includes territory partially or
4 completely within the District. Each MPO member shall
5 coordinate with municipal, county and township
6 officials within and adjacent to the MPO jurisdiction
7 in carrying out his or her duties in accordance with
8 this Act;

9 (C) One member appointed by each RPC whose
10 territory is within the District but not within an MPO
11 jurisdiction. Each RPC member shall coordinate with
12 municipal, county and township officials within and
13 adjacent to the jurisdiction of the RPC in carrying out
14 his or her duties in accordance with this Act; and

15 (D) One member appointed by the county board
16 president of each county within the District but not
17 within an MPO jurisdiction or the jurisdiction of an
18 RPC. Each county member shall coordinate with
19 municipal and township officials within and adjacent
20 to the county in carrying out his or her duties in
21 accordance with this Act.

22 (b) Each appointed Committee member shall serve for a term
23 of 2 years from the date of appointment and until the earlier
24 of the member's removal by the appointing authority, the
25 member's resignation, or the member's successor is appointed. A
26 vacancy in a Committee member position must be filled by the

1 appointing authority for that member, and a member appointed to
2 fill a vacancy shall serve the remainder of the term of the
3 member whose removal, resignation, or death created the
4 vacancy.

5 (c) Each Committee may establish rules to govern its own
6 procedures, provided all Committee meetings shall be conducted
7 in accordance with the Open Meetings Act. In addition, at least
8 7 days' advance written notice of District Prioritization
9 Committee and MPO meetings shall be provided to every State
10 legislator representing territory within the District or MPO
11 jurisdiction. All Committee members are entitled to
12 reimbursement by the Department for ordinary and necessary
13 expenses incurred in performing their duties under this Act.

14 Section 20. Project submission, review, and prioritization
15 process.

16 (a) By March 1, 2008, the Statewide Prioritization
17 Committee shall, through a process involving opportunity for
18 public review and comment:

19 (1) Establish uniform statewide evaluation criteria
20 for project prioritization derived from the State
21 transportation goals. The Statewide Prioritization
22 Committee shall establish no fewer than 5 and no more than
23 10 criteria;

24 (2) Establish a uniform statewide process for
25 calculating a project's benefit/per-capita cost; and

1 (3) Determine the process by which it will evaluate and
2 prioritize Committee and MPO proposed projects in order to
3 develop the comprehensive project prioritization plan
4 described in subsection (f) of this Section.

5 (b) By May 1, 2008, the MPOs and Committees shall each make
6 the following determinations through a process involving
7 opportunity for public review and comment:

8 (1) Each MPO shall determine the weight to be given
9 each uniform statewide evaluation criterion for the review
10 of proposed projects within the MPO jurisdiction;

11 (2) Each District Prioritization Committee shall
12 determine the weight to be given each uniform statewide
13 evaluation criterion for the review of proposed projects
14 within the District but outside of an MPO jurisdiction; and

15 (3) The Statewide Prioritization Committee shall
16 determine the weight to be given each uniform statewide
17 evaluation criterion for the review of proposed statewide
18 projects.

19 The weights applied to each criterion may vary by MPO and
20 Committee. No single criterion may account for less than 10%
21 nor more than 50% of the overall weighted allocation, and the
22 weights assigned to all criteria shall equal 100%. Each
23 Committee and MPO shall develop a prioritization scoring system
24 that (i) determines a project's score for each criterion; (ii)
25 multiplies that score by the applicable weight; (iii)
26 aggregates the weighted score for all criteria; and (iv)

1 calculates the project's benefit/per-capita cost in the manner
2 established by the Statewide Prioritization Committee. The
3 Department shall issue guidance and provide technical
4 assistance to the Committees and MPOs to assist with the
5 development and implementation of a prioritization scoring
6 system.

7 (c) By July 1, 2008 and by July 1 of each year thereafter,
8 each MPO shall hold a public hearing to present to the public
9 and allow public testimony on proposed projects within the MPO
10 jurisdiction All such proposals must be consistent with the
11 MPO's TIP and its long-range plan. By September 1, 2008 and by
12 September 1 of each year thereafter, the MPO shall: (i) adopt a
13 prioritized list of proposed projects based upon the MPO's
14 prioritization scoring system; and (ii) deliver the
15 prioritized list, with a description of each project, to the
16 Statewide Prioritization Committee.

17 (d) By June 1, 2008 and by June 1 of each year thereafter,
18 each District Prioritization Committee shall accept proposals
19 from all of its non-MPO members for projects within the
20 District but outside of an MPO jurisdiction. All such proposed
21 projects must be consistent with any long-range transportation
22 plans adopted by the submitting member and must be
23 independently scored by the member in accordance with the
24 District Prioritization Committee's prioritization scoring
25 system. By July 1, 2008 and by July 1 of each thereafter, the
26 District Prioritization Committee shall hold a public hearing

1 to present to the public and allow public testimony on the
2 proposed projects. By September 1, 2008 and by September 1 of
3 each year thereafter, the District Prioritization Committee
4 shall (i) make recommendations for enhanced regional
5 coordination and consistency among MPO and non-MPO proposed
6 projects; (ii) adopt a prioritized list of non-MPO proposed
7 projects based upon the Committee's prioritization scoring
8 system; and (iii) deliver a prioritized list of non-MPO
9 proposed projects, with a description of each project, to the
10 Statewide Prioritization Committee.

11 (e) By June 1, 2008 and by June 1 of each year thereafter,
12 the Statewide Prioritization Committee shall develop a list and
13 independently score proposed statewide projects. All such
14 proposed projects must be consistent with the most recent STIP
15 and the Department's long-range plan. By July 1, 2008 and by
16 July 1 of each thereafter, the Statewide Prioritization
17 Committee shall hold a public hearing to present to the public
18 and allow public testimony on the proposed statewide projects.
19 By September 1, 2008 and by September 1 of each thereafter, the
20 Statewide Prioritization Committee shall adopt a prioritized
21 list of proposed statewide projects based upon the Committee's
22 prioritization scoring system.

23 (f) By October 15, 2008 and by October 15 of each year
24 thereafter, the Statewide Prioritization Committee shall meet
25 to hear public testimony and consider the prioritized lists
26 developed by each Committee and MPO. By January 15, 2009 and by

1 January 15 of each year thereafter, the Statewide
2 Prioritization Committee shall submit to the Governor and
3 General Assembly a comprehensive project prioritization plan
4 that: (i) describes the uniform state evaluation criteria and
5 the prioritization scoring system used by each MPO and
6 Committee; (ii) includes all of the projects submitted for
7 consideration by each MPO and Committee; and (iii) prioritizes
8 all projects for state and federal funding, noting the likely
9 availability of such funding and any use restrictions
10 applicable to a fund source. The comprehensive project
11 prioritization plan shall serve as the annual project program
12 for the highway, mass transportation, and railroad systems
13 required to be developed by the Department pursuant to Section
14 2705-200 of the Department of Transportation Law in the Civil
15 Administrative Code of Illinois.

16 (g) By March 1, 2009 and by March 1 of each year
17 thereafter, the Statewide Prioritization Committee may,
18 through a process involving opportunity for public review and
19 comment, modify any of the following: (i) the uniform statewide
20 evaluation criteria; (ii) the process for calculating the
21 benefit/per-capita cost; and (iii) the process for evaluating
22 and prioritizing projects contained on the MPO and Committee
23 prioritized lists developed in accordance with this Section. By
24 March 1, 2009 and by March 1 of each year thereafter, each
25 District Prioritization Committee and MPO may, through a
26 process involving opportunity for public review and comment,

1 modify its weighting system for the uniform statewide
2 evaluation criteria. Any modification made in accordance with
3 this subsection shall be immediately provided to the Department
4 for posting on the website described in Section 25 of this Act,
5 and the Department shall notify each Committee and MPO of the
6 modification.

7 Section 25. Establishment of Department website. Upon the
8 effective date of this Act, the Department shall mail a copy of
9 the Act and a description thereof to each MPO, RPC and county
10 board in the State. Within 60 days after the effective date of
11 this Act, the Department shall establish a dedicated section of
12 its website that includes the Act and a description thereof The
13 Department shall maintain and update the website to include:

- 14 (1) The membership of all Committees and MPOs;
- 15 (2) Meeting notices, agendas, and minutes for all
16 meetings and hearings required pursuant to this Act;
- 17 (3) A description of the uniform statewide evaluation
18 criteria;
- 19 (4) A description of the prioritization scoring system
20 used by each Committee and MPO;
- 21 (5) The prioritized project list adopted by each
22 Committee and MPO, and the comprehensive project
23 prioritization plan adopted by the Statewide
24 Prioritization Committee;
- 25 (6) A description of opportunities for public comment

1 and input into the prioritization process; and

2 (7) An email address for members of the public to
3 submit comments on proposed projects and the comprehensive
4 project prioritization plan.

5 Section 30. Consideration and implementation of the
6 Comprehensive Project Prioritization Plan.

7 (a) Commencing in 2010 and in each year thereafter, the
8 Chairpersons of the House and Senate committees having
9 jurisdiction over transportation matters shall, within 14 days
10 after the Governor's submission of the proposed capital budget,
11 convene a joint subject matter hearing to consider the
12 comprehensive project prioritization plan and the impact of the
13 proposed capital budget on the State's implementation of
14 projects contained therein.

15 (b) Commencing in 2010 and in each year thereafter, the
16 Department shall, within 30 days of the adoption of the state
17 budget, prepare and post on its website a final annual surface
18 transportation program project listing that allocates
19 available state funding in accordance with the funding
20 recommendations and prioritization process set forth in the
21 comprehensive project prioritization plan. The program project
22 listings shall specify all projects included in the
23 comprehensive project prioritization plan but not included in
24 the final project listings due to funding limitations.

25 (c) The comprehensive project prioritization plan shall

1 serve as the basis for the Department's draft and final STIP.
2 The draft and final STIP may not include any projects that were
3 not included in the most recent comprehensive project
4 prioritization plan.

5 (d) The Department's master plan and 5-year project
6 programs published and delivered to the Governor and General
7 Assembly in accordance with subsection 2705-200(a) of the Civil
8 Administrative Code shall include an analysis of the three most
9 recent comprehensive project prioritization plans, and shall
10 identify priority transportation subsystems and critical
11 system components based upon the prioritization and funding
12 recommendations contained in the 3 most recent comprehensive
13 project prioritization plans.

14 Section 35. Rules. The Department may adopt any rules that
15 it deems necessary to administer the terms and provisions of
16 this Act.

17 Section 90. The Department of Transportation Law of the
18 Civil Administrative Code of Illinois is amended by changing
19 Section 2705-200 as follows:

20 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

21 Sec. 2705-200. Master plan; reporting requirements.

22 (a) The Department has the power to develop and maintain a
23 continuing, comprehensive, and integrated planning process

1 that shall develop and periodically revise a statewide master
2 plan for transportation to guide program development and to
3 foster efficient and economical transportation services in
4 ground, air, water, and all other modes of transportation
5 throughout the State. The Department shall coordinate its
6 transportation planning activities with those of other State
7 agencies and authorities and shall supervise and review any
8 transportation planning performed by other Executive agencies
9 under the direction of the Governor. The Department shall
10 cooperate and participate with federal, regional, interstate,
11 State, and local agencies, in accordance with Sections 5-301
12 and 7-301 of the Illinois Highway Code, and with interested
13 private individuals and organizations in the coordination of
14 plans and policies for development of the state's
15 transportation system.

16 To meet the provisions of this Section, the Department
17 shall publish and deliver to the Governor and General Assembly
18 by January 1, 1982 and every 2 years thereafter, its master
19 plan for highway, waterway, aeronautic, mass transportation,
20 and railroad systems. The plan shall identify priority
21 subsystems or components of each system that are critical to
22 the economic and general welfare of this State regardless of
23 public jurisdictional responsibility or private ownership.

24 The master plan shall provide particular emphasis and
25 detail of at least the 5-year period in the immediate future.

26 Annual and 5-year, or longer, project programs for each

1 State system in this Section shall, through and including 2009,
2 be published and furnished the General Assembly on the first
3 Wednesday in April of each year. Commencing in 2010 and in each
4 year thereafter, the annual and 5-year project programs for
5 each State system must be published and furnished to the
6 General Assembly by January 15.

7 Identified needs included in the project programs shall be
8 listed and mapped in a distinctive fashion to clearly identify
9 the priority status of the projects: (1) projects to be
10 committed for execution; (2) tentative projects that are
11 dependent upon funding or other constraints; and (3) needed
12 projects that are not programmed due to lack of funding or
13 other constraints.

14 All projects shall be related to the priority systems of
15 the master plan, and the priority criteria identified. Cost and
16 estimated completion dates shall be included for work required
17 to complete a useable segment or component beyond the period of
18 the program.

19 (b) Through and including 2009, the ~~The~~ Department shall
20 publish and deliver to the Governor and General Assembly on the
21 first Wednesday in April of each year a 5-year, or longer,
22 Highway Improvement Program reporting the number of fiscal
23 years each project has been on previous plans submitted by the
24 Department. Commencing in 2010 and in each year thereafter, the
25 annual and 5-year project programs for each State system must
26 be published and furnished to the General Assembly by January

1 15.

2 (c) The Department shall publish and deliver to the
3 Governor and the General Assembly by November 1 of each year a
4 For the Record report that shall include the following:

5 (1) All the projects accomplished in the previous
6 fiscal year listed by each Illinois Department of
7 Transportation District.

8 (2) The award cost and the beginning dates of each
9 listed project.

10 (Source: P.A. 94-91, eff. 7-1-05.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."